

Message Text

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51
ACTION EB-11

INFO OCT-01 EUR-25 ISO-00 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 L-03 ARA-16 H-03 TRSE-00

A-01 SPC-03 DRC-01 /084 W
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R 071713Z JAN 74
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 6844
INFO AMCONSUL HAMILTON

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E.O. 11652: N/A
TAGS: ETRN, UK
SUBJ: CIVAIR - PRECLEARANCE AGREEMENT

REF: STATE 1284

1. EMBOFF TALKED WITH JOHN PHILIP, CARIBBEAN
DEPARTMENT, FCO, CONCERNING STATUS BERMUDA PRECLEARANCE
AGREEMENT. HE SAID PRESENT TEXT DOES NOT ADDRESS
WHAT UK REGARDS AS VITAL POINT OF PASSENGER'S RIGHT
TO BE ABLE TO DECLINE PRECLEARANCE IF HE SO WISHES.
BRITISH CONCERN IS WITH ISSUE OF FORCING UK CITIZENS
TO SUBMIT TO SEARCH BY US AUTHORITIES IN UK TERRITORY.
PHILIP SAID PASSENGER'S RIGHT TO DECLINE PRECLEARANCE
IS REGARDED BY GOVERNMENT AS POLITICALLY ESSENTIAL
IF MINISTERS ARE TO BE ABLE TO DEFEND AGREEMENT ON
FLOOR OF PARLIAMENT. HE SAID UK RECOGNIZES THAT A NON-
CLEARED PASSENGER COULD NOT TRAVEL ABOARD A PRECleared
FLIGHT BUT WANTS AGREEMENT MAKE EXPLICIT PASSENGER'S
RIGHT TO CHOOSE TO OPT OUT OF PRECLEARANCE AND TRAVEL
ABOARD A PCST-CLEARED SERVICE. ABSENT INSTRUCTIONS TO
DO SO, WE DID NOT ASK PHILIP WHETHER UK WOULD INSIST
THAT AIRLINES ACTUALLY OPERATE A REGULARLY
SCHEDULED NON-CLEARED SERVICE OR WHETHER IT WOULD
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MERELY SETTLE FOR LANGUAGE IN AGREEMENT SPELLING OUT

PRECLEARANCE/POST-CLEARANCE OPTION AND NOT CONCERN ITSELF WITH WHETHER A POST-CLEARED SERVICE ACTUALLY OPERATES.

2. PHILIP SAID HE HAD LETTER FROM DEPUTY GOVERNOR OF BERMUDA SAYING US CONGEN BERMUDA HAD BEEN INFORMED BY DEPARTMENT THAT POST-CLEARANCE ISSUE HAD BEEN RESOLVED IN TALKS BETWEEN EMBASSY LONDON AND FCO. HE ASKED AND WE AGREED THIS WAS NOT THE RESULT OF OUR DISCUSSION OF ISSUE LAST JULY (SEE LONDON 8397).

3. PHILIP SAID HE WAS ALSO CONCERNED ABOUT NEW ARTICLE 3 RECENTLY ADDED TO TEXT. PROBLEM WITH ARTICLE 3 IS THAT THERE MAY BE ACTS COMMITTED IN UK TERRITORY WHICH MAY BE OFFENCES UNDER US LAW BUT WHICH MAY NOT BE OFFENCES UNDER UK LAW. HE SAID HE HAD ASKED FOR AND WAS STILL AWAITING LEGAL ADVICE ON WHETHER UKG COULD ACCEPT NEW ARTICLE.

SOHM

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AVIATION AGREEMENTS, FLIGHT CLEARANCES, AIR SAFETY REGULATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 07 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974LONDON00210
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Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: LONDON
Handling Restrictions: n/a
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Declassified/Released
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EO Systematic Review
30 JUN 2005

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